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Attorneys for the ASM Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

ASM Capital, LP, et al.

Plaintiffs,

v.

EDWARD H. OKUN, et al.

Defendants.

Case No. C 11-04825 PJH

Assigned to the Hon. Phyllis Hamilton

**STIPULATION AND [PROPOSED]
ORDER] STAYING CASE**

WHEREAS, on March 7, 2012, the Court held a hearing on the Motion to Dismiss the plaintiff's complaint (hereinafter, the "ASM Complaint") filed by Silicon Valley Law Group ("SVLG");

WHEREAS, the ASM Complaint was filed by twenty-four 1031 Exchangers doing business with 1031 Advance;

WHEREAS, another action is pending before Judge Ware entitled *Hunter, et al. v. Citibank, N.A., et al*, Case No. C 09-2079-JW (hereinafter, "*Hunter II*"). In *Hunter II*, another 1031 Advance Exchanger is suing SVLG for the same facts and same causes of action raised in the ASM Complaint;

WHEREAS, the Bankruptcy Trustee of 1031 Advance filed an action against SVLG entitled *Gerard A. McHale, P.A., as Liquidation Trustee for the 1031 Debtors Liquidation Trust v. Silicon Valley Law Group*, Case No. C 10-4864 JW (the "McHale Case"). This case was deemed as related to *Hunter II*, and is also pending before Judge Ware;

1 WHEREAS, the *Hunter II* and McHale cases are set for trial in October 2012;

2 WHEREAS, at the hearing on SVLG's Motion to Dismiss, the Court stayed the above-
3 captioned action pending resolution of *Hunter II* and McHale cases, and this stipulation is
4 entered into by the parties to effectuate the Court's desire to stay the action;

5 THEREFORE, the Parties agree to stay this action until the conclusion of *Hunter II*, in
6 order to save resources and the Court's time.

7
8 **IT IS SO STIPULATED:**

9 Dated: March 19, 2012

HOLLISTER & BRACE

10 /s/

11 ROBERT L. BRACE
12 *Attorney for the ASM Plaintiffs*

13 Dated: March 19, 2012

LERCH STURMER LLP

14 /s/

15 DEBRA STURMER
16 *Attorney for Defendant Silicon Valley Law
17 Group*

18
19 **ORDER**

20 NOW, THEREFORE, and for good cause appearing, the Court ORDERS THAT this
21 action is stayed until the conclusion of the *Hunter II* and McHale cases. The Parties will notify
22 the Court that the stay should be lifted or the case dismissed, after the conclusion of the *Hunter II*
23 and McHale cases.

24
25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 Dated: 3/20/12

27 HON. PHYLLIS HAMILTON
28 UNITED STATES DISTRICT COURT

